

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,457,780 Confirmation No. 8582
Issue Date : November 25, 2008
Applicant : T. KIMURA et al
Appl. No. : 10/799,653
Filed : March 15, 2004
Title : CONTENT SALES METHOD AND CYBER MALL
SYSTEM USING SUCH METHOD AND STORAGE
MEDIUM STORING THEREIN ITS CONTENTS
SALES PROGRAM
Docket No. : ASA-760-03
Customer No.: 24956

Commissioner for Patents
Office of Patent Publications
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

**RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR APPLICATION
UNDER 37 CFR §1.178(a)(3)**

Sir:

Further to the Petition filed June 12, 2009, Applicants hereby petition to accept an unintentionally delayed claim for the benefit of a prior application under 35 U.S.C. §120. In particular, Applicants inadvertently failed to claim priority to prior U.S. application serial no. 09/244,050.

The following sets forth the facts related to this renewed Petition:

1. Application serial no. 09/244,050 was filed on February 4, 1999, and claimed priority to Japanese Application JP 10-025356, filed on February 6, 1998.

2. Application serial no. 09/618,552 was filed on July 17, 2000 as a continuation application of application serial no. 09/244,050.

3. In a filing receipt mailed on October 18, 2000 in application serial no. 09/618,552 (copy attached), there was a typographical error by the Patent Office in the continuity data in that prior application no. 09/244,050 was listed as application no. 09/288,050. This resulted in the Japanese priority application from not being listed in the filing receipt.

4. In a corrected filing receipt mailed on June 28, 2001 (copy attached), the Japanese priority application is correctly listed. However, prior application serial no. 09/244,050 was not listed.

5. It appears that the Patent Office assigned a second application serial no. 09/680,425 as a continuation application of 09/244,050 although a second application was not filed. It is unclear why this happened and application serial no. 09/680,425 does not exist in PAIR.

6. On page 1 of the continuation application of application no. 09/244,050, the correct serial no. of 09/618,552 is stamped, as shown in the attached page 1 of the application serial no. 09/618,552 as shown in PAIR. The correct filing date for this application is July 17, 2000.

7. The present application (09/799,653) was filed as a continuation application of application serial no. 09/618,552, but inadvertently failed to mention application serial no. 09/244,050.

8. Attached are the following four (4) pages printed from PAIR: first is the continuity data of application serial no. 09/244,050 which incorrectly lists application serial no. 09/680,425 in its child continuity information; second is the continuity data of application serial no. 09/618,552 which inadvertently fails to list parent application 09/244,050, but correctly lists its child continuity data, including present application serial no. 10/799,653; third is the continuity data for present application serial no. 10/799,653, which inadvertently fails to list parent application 09/244,050; and fourth is the continuity data of application serial no. 12/254,908, which correctly lists the parent continuity, in order, to application serial nos. 10/799,653 - 09/618,552 - 09/244,050.

Therefore, it appears that the proper chain of continuity is not correctly shown in PAIR except in application serial no. 12/254,908. In particular, as it relates to this Petition, the PAIR page in application serial no. 09/618,552 does not show that application to be a continuation of application serial no. 09/244,050. However, based on the evidence provided above, it is submitted that application serial no 09/618,552 is in fact a continuation of application serial no. 09/244,050.

Pursuant to 37 CFR §1.78(a)(2)(i) the following is submitted that it is clear from the record of the patent and the parent application(s) that priority is appropriate. The present patent (U.S. Patent No. 7,457,780) was based on application serial no. 10/799,653 which was a continuation of application serial no. 09/618,552 filed on July 17, 2000. Application serial no. 09/618,552 was a continuation of application serial no. 09/244,050 filed on February 4, 1999 (now U.S. Patent No. 6,263,318) and

claimed priority to Japanese Application 10-025356 filed on February 6, 1998. As indicated on the face of U.S. Patent No. 7,457,780, the continuity data regarding application serial no. 09/618,552 is indicated along with the Japanese Application 10-025356, but application serial no. 09/244,050 is not mentioned. However, it is clear from this record that application serial no. 09/244,050 was inadvertently not mentioned as reliance upon that application is necessary in order to properly claim priority to Japanese Application 10-025356. In addition, the declaration refers to an attached specification, which corresponds to the application bearing serial no 09/244,050.

Pursuant to 37 CFR §1.78(a)(3) the following is submitted:

(i) the reference required by 35 U.S.C. §120 is provided in the attached Request for Certificate of Correction;

(ii) the surcharge set forth in §1.17(t) is enclosed; and

(iii) Applicants state that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section and the date the claim was filed was unintentional.

The Commissioner is hereby authorized to charge Deposit Account 50-1417 for any fees that are deemed necessary.

Respectfully submitted,

MATTINGLY & MALUR, P.C.

By /Shrinath Malur/

Shrinath Malur
Reg. No. 34,663
(703) 684-1120